

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 STEPHEN LEE,

No. 08-5656 MMC

12 Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT; VACATING  
HEARING**

13 v.

14 CAPITAL ONE BANK (USA), N.A., et al.,

15 Defendants

16 /

17 Before the Court is plaintiff's "Motion for Leave to File Amended Complaint," filed  
18 January 7, 2009, as supplemented February 7, 2009. Defendant NCO Financial Systems,  
19 Inc. has filed a Statement of Non-Opposition.<sup>1</sup>

20 Having read and considered the unopposed motion, the Court VACATES the March  
21 20, 2009 hearing, and hereby GRANTS the motion. Plaintiff is hereby DIRECTED to file  
22 his proposed Second Amended Complaint no later than March 14, 2009.

23 **IT IS SO ORDERED.**

24  
25 Dated: February 27, 2009

  
26 MAXINE M. CHESNEY  
27 United States District Judge

28 <sup>1</sup>By notice filed January 21, 2009, plaintiff voluntarily dismissed his claims against defendant Capital One Bank (USA), N.A.